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Wyndham Hotels and Resorts, LLC

The ESTATE OF JOHN HELBING by SAN
DRA HELBING and ALLISON LIST, Personal
Representatives,

Plaintiffs,

vs.

WYNDHAM HOTELS AND RESORTS,
LLC,

Defendant.

IN THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

NO. 1:10-CV-1117


DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

There are no material issues of fact disputed in this matter. The record is clear that plaintiffs failed to undertake due diligence and name the proper party as a defendant in this matter. Because the statute of limitations has expired, plaintiffs are prohibited from amending their Complaint. Accordingly, moving defendant's Motion for Summary Judgment must be granted.

Further, reasonable minds could not disagree that the decedent, John Helbing, deliberately, and with the awareness of specific and inherent risks, stepped onto icy asphalt during freezing rain. Because the decedent faced the risk voluntarily, despite the option of a more safe route, plaintiff's claim must fail. As there are no genuine issues of

material fact, defendant respectfully requests that this Honorable Court find in favor of Defendant's Motion for Summary Judgment.

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